

- (1) described by Sections 604.002(1)–(3);
 - (2) issued as a refund for merchandise returned without a receipt; or
 - (3) that has an initial value of \$5 or less and to which additional value cannot be added.
- (b) Except as otherwise provided by Subsection (a), Section 604.002 does not apply to this subchapter.

Sec. 604.152. CASH REFUND FOR LOW-VALUE CARD. If a stored value card is redeemed in person to make a purchase and a balance of less than \$2.50 remains following the redemption, at the consumer's request the seller shall refund the balance of the card in cash to the consumer.

SECTION 2. This Act takes effect September 1, 2015.

Passed by the House on May 11, 2015: Yeas 110, Nays 20, 1 present, not voting;
passed by the Senate on May 25, 2015: Yeas 26, Nays 5.

Filed without signature June 17, 2015.

Effective September 1, 2015.

**CREATION OF THE COMAL TRINITY GROUNDWATER
CONSERVATION DISTRICT; PROVIDING AUTHORITY TO
ISSUE BONDS; PROVIDING AUTHORITY TO IMPOSE
ASSESSMENTS, FEES, OR SURCHARGES**

CHAPTER 656

H.B. No. 2407

AN ACT

**relating to the creation of the Comal Trinity Groundwater Conservation District;
providing authority to issue bonds; providing authority to impose assessments, fees,
or surcharges.**

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Subtitle H, Title 6, Special District Local Laws Code, is amended by adding Chapter 8875 to read as follows:

**CHAPTER 8875. COMAL TRINITY GROUNDWATER CONSERVATION
DISTRICT**

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8875.001. DEFINITIONS. In this chapter:

- (1) "Board" means the board of directors of the district.
- (2) "Commission" means the Texas Commission on Environmental Quality.
- (3) "Commissioners court" means the Comal County Commissioners Court.
- (4) "Director" means a member of the board.
- (5) "District" means the Comal Trinity Groundwater Conservation District.
- (6) "Retail public utility" means a retail public utility as defined by Section 13.002, Water Code, that is providing service in the district.

Sec. 8875.002. NATURE OF DISTRICT. The district is a groundwater conservation district in Comal County created under and essential to accomplish the purposes of Section 59, Article XVI, Texas Constitution.

Sec. 8875.003. INITIAL DISTRICT TERRITORY. The initial boundaries of the

district are coextensive with the boundaries of Comal County, Texas, except that the district does not include any territory that is included in the boundaries of the Trinity Glen Rose Groundwater Conservation District.

Sec. 8875.004. CONFLICTS OF LAW. This chapter prevails over any provision of general law, including a provision of Chapter 36, Water Code, that is in conflict or is inconsistent with this chapter.

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 8875.051. COMPOSITION OF BOARD. The district is governed by a board of seven appointed directors.

Sec. 8875.052. TERMS AND APPOINTMENT OF DIRECTORS. (a) Directors serve staggered four-year terms. Directors are appointed by the commissioners court as follows:

(1) three directors shall be appointed from the incorporated areas of Comal County; and

(2) four directors shall be appointed with one director appointed from each of the four commissioners court precincts.

(b) To be appointed under this section, a person:

(1) must be a registered voter of Comal County; and

(2) to the extent practicable, should be familiar with the use of water by industry and commerce, municipal and rural utilities, agriculture, and private wells.

Sec. 8875.053. VACANCIES. If there is a vacancy on the board, the commissioners court shall appoint a person to fill the vacancy for the remainder of the term in a manner that meets the representational requirements of Section 8875.052.

SUBCHAPTER C. POWERS AND DUTIES

Sec. 8875.101. GROUNDWATER CONSERVATION DISTRICT POWERS AND DUTIES. The district has the rights, powers, privileges, functions, and duties provided by the general law of this state, including Chapter 36, Water Code, applicable to groundwater conservation districts created under Section 59, Article XVI, Texas Constitution.

Sec. 8875.102. CONTRACTS. The district may contract with a state agency or political subdivision, including a municipality, a county, a river authority, or another district, to carry out any function of the district.

Sec. 8875.103. BEST MANAGEMENT PRACTICES. (a) The district may participate in the development and implementation of best management practices for water resource management in the district and may engage in and promote the acceptance of best management practices through education efforts sponsored by the district.

(b) Development and implementation of best management practices must address water quantity and quality practices such as brush management, prescribed grazing, recharge structures, water and silt detention and retention structures, plugging of abandoned wells, rainwater harvesting, and other treatment measures for the conservation of water resources.

(c) The district may not adopt or implement a best management practice that is in conflict with or duplicative of a best management practice adopted by another groundwater conservation district whose territory covers any part of Comal County.

Sec. 8875.104. LIMITATIONS ON DISTRICT POWERS. (a) The district may not:

(1) require the owner of a well exempt from permitting to install a meter or measuring device on the well; or

(2) assess and collect a production fee on wells exempt from permitting.

(b) The district does not have the authority granted by Sections 36.020 and 36.201–36.204, Water Code, relating to taxes.

Sec. 8875.105. PRODUCTION LIMITS AND PERMITS FOR CERTAIN WELLS.

(a) *In this section:*

(1) *“Maximum production capacity” means the rated capacity of a well that is measured in gallons per minute of production as certified by the driller of the well or a professional geologist or engineer.*

(2) *“Trinity Aquifer” means the Trinity group of aquifers, including the:*

(A) *Upper Trinity, consisting of the Upper Glen Rose Limestone;*

(B) *Middle Trinity, consisting of the Lower Glen Rose Limestone, the Hensall Sand, and the Cow Creek Limestone; and*

(C) *Lower Trinity, consisting of the Sligo Limestone and the Hosston Sand.*

(b) *Notwithstanding Section 36.117(j), Water Code, the district shall issue to an applicant a permit for a well that is not exempt from permitting and that was drilled into or through the Trinity Aquifer on or before the effective date of the Act enacting this chapter that authorizes the production of the well at an amount not less than the maximum production capacity of the well.*

(c) *Notwithstanding Section 36.117(j), Water Code, a well that is not exempt from permitting and that was drilled into or through the Trinity Aquifer after the effective date of the Act enacting this chapter requires a permit from the district.*

Sec. 8875.106. WELL EXEMPTION. *A well is exempt from the requirement to obtain a withdrawal permit provided that the well:*

(1) *is used solely for domestic use or for providing water for livestock or poultry regardless of land lot size and is drilled, completed, or equipped so that it is incapable of producing more than 25,000 gallons of groundwater a day;*

(2) *is not capable of producing more than 10,000 gallons of water a day; or*

(3) *is metered and does not produce more than 10 acre-feet of water in a calendar year.*

Sec. 8875.107. MEASURING DEVICES. (a) *The owner of a nonexempt well shall install and maintain a water well meter, or alternative measuring device or method approved by the district, designed to indicate the flow rate and cumulative amount of water withdrawn by that well, on each individual well no later than 36 months after the effective date of the Act enacting this chapter.*

(b) *A well owner is responsible for the costs of installing, operating, and maintaining measuring devices.*

Sec. 8875.108. NO EMINENT DOMAIN. *The district may not exercise the power of eminent domain.*

SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

Sec. 8875.151. FEES. (a) *The district may set a reasonable fee for administrative management on a per well basis. The district may set a fee for administrative management on:*

(1) *a well used solely for domestic or livestock purposes in an amount not greater than \$15 per well, per year; and*

(2) *a well that is exempt from permitting and that is not used solely for domestic or livestock purposes in an amount not greater than \$50 per well, per year.*

(b) *The district may impose reasonable production fees on each well that is not exempt from permitting based on the amount of water actually withdrawn from the well. The district may not impose a production fee under this subsection in an amount greater than:*

(1) *\$1 per acre-foot for groundwater used for agricultural purposes; or*

(2) *\$40 per acre-foot for groundwater used for any other purpose.*

SECTION 2. Not later than December 31, 2015, the Comal County Commissioners Court shall appoint the directors of the Comal Trinity Groundwater Conservation District as provided by Section 8875.052, Special District Local Laws Code, as added by this Act.

SECTION 3. (a) The legal notice of the intention to introduce this Act, setting forth the general substance of this Act, has been published as provided by law, and the notice and a copy of this Act have been furnished to all persons, agencies, officials, or entities to which they are required to be furnished under Section 59, Article XVI, Texas Constitution, and Chapter 313, Government Code.

(b) The governor, one of the required recipients, has submitted the notice and Act to the Texas Commission on Environmental Quality.

(c) The Texas Commission on Environmental Quality has filed its recommendations relating to this Act with the governor, the lieutenant governor, and the speaker of the house of representatives within the required time.

(d) All requirements of the constitution and laws of this state and the rules and procedures of the legislature with respect to the notice, introduction, and passage of this Act are fulfilled and accomplished.

SECTION 4. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2015.

Passed by the House on May 8, 2015: Yeas 142, Nays 0, 2 present, not voting; passed by the Senate on May 26, 2015: Yeas 31, Nays 0.

Filed without signature June 17, 2015.

Effective June 17, 2015.

AUTHORIZING A STUDENT CENTER FEE AT THE UNIVERSITY OF HOUSTON-VICTORIA

CHAPTER 657

H.B. No. 2568

AN ACT

relating to authorizing a student center fee at the University of Houston–Victoria.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Subchapter E, Chapter 54, Education Code, is amended by adding Section 54.5405 to read as follows:

Sec. 54.5405. STUDENT CENTER FEE; UNIVERSITY OF HOUSTON-VICTORIA.

(a) *The board of regents of the University of Houston System may impose on each student enrolled at the University of Houston–Victoria a student center fee to be used only for the purpose of financing, constructing, operating, maintaining, improving, and equipping a student center at the university. A fee imposed under this section is in addition to any use or service fee authorized to be imposed under other law.*

(b) *The amount of the initial fee imposed under this section must be approved by a majority vote of the students enrolled at the university participating in a general student election held for that purpose.*

(c) *The amount of a fee imposed under this section may not exceed:*

- (1) \$150 per student for each regular semester;*
- (2) \$100 per student for each summer session of 10 weeks or longer; or*
- (3) \$50 per student for each summer session of less than 10 weeks.*